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6 LUZ-MARIA URZUA and CESAR
7 ANCHANTE-MARTINETTI,
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9 No. C 07-05903 JSW
10 Plaintiffs,
11
12 v.
13 COUNTRYWIDE BANK and ANGELO
14 MOZILO,
15 Defendants.

16 On March 12, 2008, Plaintiffs moved for default judgment pursuant to Rule 55(b)(2)
17 against Defendants Countrywide Bank and Angelo Mozilo. After reviewing the record and
18 Plaintiffs' motion for default judgment, the Court finds that Plaintiffs have failed to comply
19 with Rule 55 of the Federal Rules of Civil Procedure.

20 First, Defendants have answered the complaint by filing a motion to dismiss which is set
21 for hearing on April 4, 2008 at 9:00 a.m. Defendants are, therefore, not in default.

22 Second, Plaintiffs move for default judgment without first requesting and obtaining
23 entry of Defendants' default from the clerk pursuant to Rule 55(a).

24 In addition, it is apparent that Plaintiffs' contact information may be inaccurate because
25 multiple filings have been returned to the Court as undeliverable. However, Plaintiffs have not
26 filed any notice of change of address. Civil Local Rule 3-11(a) requires that "a party
27 proceeding *pro se* whose address changes while an action is pending must promptly file with
28 the Court and serve upon all opposing parties a Notice of Change of Address specifying the new
address."

1 Civil Local Rule 3-11(b) authorizes the Court to dismiss a complaint without prejudice when
2 "(1) Mail directed to the ... *pro se* party by the Court has been returned as not deliverable; and
3 (2) The Court fails to receive within 60 days of this return a written communication from the ...
4 *pro se* party indicating a current address."

5 Accordingly, the Court DENIES Plaintiffs' motion for default judgment. The motion to
6 dismiss shall be heard and Plaintiffs are DIRECTED to update the Court docket with their
7 current contact information.

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9 **IT IS SO ORDERED.**

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11 Dated: March 17, 2008


12 JEFFREY S. WHITE
13 UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

1 LUZ-MARIA URZUA,

2 Plaintiff,

3 v.

4 COUNTRYWIDE BANK et al,

5 Defendant.

6 Case Number: C07-05903 JSW
7 Related Case Number C07-5906 JSW
8 Related Case Number C07-5931 JSW
9 Related Case Number C07-5932 JSW
10 Related Case Number C07-6349 JSW

11 CERTIFICATE OF SERVICE

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
13 District Court, Northern District of California.14 That on _____, I SERVED a true and correct copy(ies) of the attached, by
15 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
16 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
17 inter-office delivery receptacle located in the Clerk's office.18 Cesar Anchante-Martinetti
19 6787 Hillsview Drive
20 Vacaville, CA 9568821 Luz-Maria Urzua
22 6787 Hillsview Drive
23 Vacaville, CA 9568824 Luz-Maria Urzua
25 2041 Legends Court
26 Merced, CA 9534027 Luz-Maria Urzua
28 3801 North Lake Road
Merced, CA 95340Cesar Anchante-Martinetti
3801 North Lake Road
Merced, CA 95340Luz-Maria Urzua
3785 North Lake Road
Merced, CA 95340Cesar Anchante-Martinetti
3785 North Lake Road
Merced, CA 95340

Dated: March 17, 2008

*Jennifer Ottolini*Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk